

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MARVIN BROWN,

Plaintiff,

v.

No. CIV 15-00732-KG-SCY

RICHARD BERRY, *Mayor*,
TANYA GIDDING, *County Clerk*,
RISK MANAGEMENT DIVISION,
FNU SAWIN, *Officer*,
FNU LUJAN, *Officer*,
DEBORAH DAVIS WALKER,,

Defendants.

ORDER OF DISMISSAL WITHOUT PREJUDICE

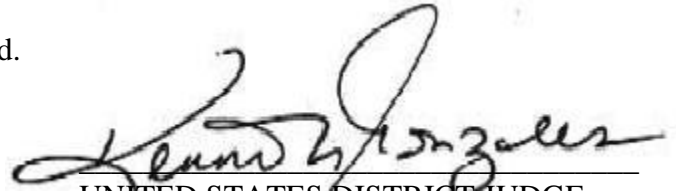
THIS MATTER comes before the Court *sua sponte*. On August 20, 2015, Plaintiff filed a Civil Rights Complaint [Doc. 1] and motion to proceed *in forma pauperis* (IFP) pursuant to 28 U.S.C. § 1915 [Doc. 2]. On September 1, 2015, the Court ordered Plaintiff to file an affidavit, a certified copy of his inmate account statement for the 6-month period immediately preceding the filing of his motion to proceed IFP, and an IFP application on the proper form. [Doc. 5] The Court notified Plaintiff that “[f]ailure to cure the designated deficiency within thirty (30) days from the date of this order may result in dismissal of this action without further notice.” [Doc. 5]

On August 21, 2015, Plaintiff informed the Court of his change of address in accordance with D.N.M.LR-Civ. 83.6 (“All attorneys of record and parties appearing pro se have a continuing duty to notify the Clerk, in writing, of any change in their firm name, mailing addresses, telephone numbers, facsimile numbers, or electronic addresses.”). Apparently, there was some confusion in

the Clerk's Office as to whether Plaintiff's new address was on "Spence S.E." or "Spruce S.E." Although the Court's Order to Cure Deficiency [Doc. 5] initially was mailed to Plaintiff at "1517 Spruce S.E.," the docket reflects that it was re-mailed to Plaintiff at "1517 Spence S.E" on September 2, 2015. Because neither the Order to Cure Deficiency [Doc. 5] nor any of the other filings mailed to Plaintiff at "1517 Spence S.E." have been returned as undeliverable, there is no reason to believe that Plaintiff did not receive timely notice of the Court's Order to Cure Deficiency [Doc. 5].

Plaintiff has failed to respond to the Court's order and, therefore, the Court will dismiss his Civil Rights Complaint [Doc. 1] without prejudice.

IT IS ORDERED that Plaintiff's Civil Rights Complaint [Doc. 1] is **DISMISSED** without prejudice and judgment will be entered.



UNITED STATES DISTRICT JUDGE